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Testimony of Raphael L. Podolsky

Housing Committee public hearing -- February 28, 2013

S.B. 114 -- Mandatory online rent payments — SUPPORT IN CONCEPT

In its present form, this bill prohibits landlords from requiring rent or security deposit payments to be made electronically or in cash. Cash is legal tender, and it is not clear that such a prohibition is appropriate. On the other hand, a ban on requiring electronic payments as the sole means of payment is reasonable. Mandatory online payment assumes that all tenants have electronic access and creates particular problems for low-income households and the elderly. A bill proposed in California prohibits a landlord from requiring "online Internet payments as the exclusive form of payment of rent or deposit of security." That wording would be more appropriate.

Subsection (b) of S.B. 114 allows a landlord to accept rent payments only by "cash payment" for three months after a tenant has bounced or stopped payment on a check. If the bill is reframed as a ban only on electronic payment, this provision is unnecessary. If it remains in the bill, it should be cross-referenced to C.G.S. 47a-3a(b) ("provided that a receipt is given in accordance with subsection (b) of section 47a-3a"), which requires that the landlord give a receipt for any cash payment accepted, so that it will be clear that a receipt is necessary.

S.B. 952 -- Bedbugs — SUPPORT IN CONCEPT

We support this bill in concept but do not support all of its provisions. We believe that the best starting point for drafting is the Maine bedbug statute and not the draft contained in this bill. Existing law already allocates responsibilities between landlords and tenants – it is the landlord's duty to eradicate pests and the tenant's duty to cooperate. While it would be useful to spell these duties out in greater detail in the context of bedbug eradication, it would be better to have no bill than one that improperly allocates landlord and tenant responsibilities. Expanding on the meaning of these duties in the context of bedbugs is helpful to all parties -- landlords, tenants, municipalities, exterminators -- but is not absolutely necessary. Any bedbug legislation should be guided by the following principles:

- The top priority should be the eradication of bedbug infestations. Only the landlord can actually do that.
- Effective solutions cannot be based on "fault." Bedbugs travel. They enter apartments in numerous ways that are not necessarily the fault of the occupant . Solutions, including how costs are met, cannot be based on false assumptions about fault.

- Tenants cannot be expected to do things that they are not able to do. For example, not all tenants can adequately prepare an apartment for extermination. Some tenants are elderly, disabled, blind, or otherwise of limited ability. Some tenants have few financial resources. Indeed, reasonable accommodation is required by the Fair Housing Act for persons with disabilities.
- Bedbug eradication should not ignore the privacy rights of tenants.

H.B. 6366 -- Department of Housing — SUPPORT WITH AMENDMENT

This bill implements the creation of the new Department of Housing. We support the bill as a whole, but we do not agree with Section 67 of the bill, which repeals a number of housing statutes. We have are at least three types of concerns:

(1) Successful pilots: The Window Repair and Replacement Program (C.G.S. 8-37ww) should be made permanent, not repealed. Successful pilots should be continued, not terminated. It is my understanding that this pilot was considered successful.

(2) Desirable programs: We believe C.G.S. 8-68h (escrow accounts to help public housing residents save for the down payment on a home) and 8-68j (transfer of financially-distressed public housing to CHFA) are good statutes.

(3) Additional evaluation needed: Other (usually old) pilot programs should not be repealed, even long past their expiration date, unless they have been adequately evaluated and it has been determined that they are not worth pursuing further. The new Department of Housing, which we hope will bring new energy and new perspectives to the housing field, is the ideal entity to do this evaluation. For example, it would be helpful to know what the final result has been for such pilots as C.G.S. 8-81a regarding adaptable housing, C.G.S. 17a-54a regarding families of children with serious medical conditions, and C.G.S. 17b-814 regarding project-based RAPs in newly-constructed privately-developed housing. There is no harm in leaving such statutes on the books for the time being, thereby allowing examination of whether it would be better to extend the pilot or to repeal authority for conducting it.

H.B. 6419 – Foreclosure Mediation Program — SUPPORT

This bill extends the Foreclosure Mediation Program two additional years, until July 1, 2016. In fact, the program should be made permanent. This very successful program was initiated because of the foreclosure crisis, but the value of the Foreclosure Mediation Program does not depend on how severe the crisis is. The housing court mediation program, which was initiated on a permanent basis as part of the first Connecticut housing court in 1979, has proven its value year after year without regard to fluctuations in the number of evictions per year. If the program is not made permanent now, then the sunset date should be extended until at least 2016.

H.B. 6421 – Public housing grievance procedures

SUPPORT

In 1989 -- more than twenty years ago -- the General Assembly adopted C.G.S. 8-68f, which directed DECD to promulgate model grievance procedures for use by housing authorities in their state public housing. Two years ago, DECD, which had never promulgated the regulations, began a serious effort to get those regulations into place. They are now close to completion but have still not been submitted to the Regulation Review Committee for approval. This bill directs DECD to account for any failure to complete the process by next year. In addition, the bill makes clear that the requirement to provide public housing residents with grievance procedures applies to all housing authorities. The latter clarification of the statute should be adopted, even if the grievance procedure regulations are finally approved.